

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

ANDREW JACKSON MARTIN

Debtor

Chapter 13

Case No. 14-13715-RGM

OBJECTION TO CONFIRMATION OF PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Chapter 13 Plan filed March 19, 2015. The cause for this objection is as follows:

Violation of 11 U.S.C. §521 – Failure of the Debtor to provide information necessary for the Trustee to make recommendation on confirmation of this Chapter 13 Plan.

Debtor has not provided Trustee with copies of his 2014 federal and state income tax returns.

Violation of 11 U.S.C. §1325(b)(1)(B) – Disposable Income & 11 U.S.C. §1325(a)(3) – Good Faith

In response to Trustee's previous Objections to Confirmation, Debtor has now filed another amended Form B22C on March 19, 2015. Debtor's own Form B22C shows that his monthly disposable income is \$890.09, mandating at least \$53,405.40 in total Plan funding for unsecured creditors. However, Debtor's Form B22C, if properly completed, would show \$1,627.38 in monthly disposable income, mandating at least \$97,642.80 in total Plan funding for unsecured creditors. A worksheet containing Trustee's figures is attached hereto. Debtor's proposed Plan only provides a total of \$9,170.92 in Plan funding for unsecured creditors.

Additionally, Debtor claims a vehicle installment payment of \$442.00 per month on his Schedule J, yet Debtor does not disclose any vehicles on Schedule B, nor any secured vehicle loan on Schedule D.

Debtor has also amended his Schedule J to claim the following excessive budget items:

- \$322.50/mo. for clothing and laundry;

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- \$985.00/mo. for transportation for one person (IRS allowance is \$277.00/mo.);
- In addition Debtor's \$985.00/mo. transportation budget, he also claims \$134.00/mo. for car maintenance, \$17.00/mo. for auto registration and vehicle inspection, \$70.00/mo. for ez pass, and \$26.33/mo. for tires every 2 years;
- \$33.33/mo. for tax return preparation fees;
- \$30.83/mo. for eye glasses (in addition to \$234.72/mo. medical and dental expenses and \$287.63/mo. in health insurance costs on Schedule I); and
- \$86.00/mo. for cigarettes.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on May 13, 2015 at 9:30 a.m., in Courtroom 1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

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If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: April 29, 2015

/s/Thomas P. Gorman

Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

B22C Adjustments

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No.

Line Number		Debtor's Figures	Trustee's Figures	Basis For Difference
28	Ownership expense: vehicle 1	\$517.00	\$0.00	No vehicle payments listed on Line 47 or secured vehicle loan disclosed in Schedules.
38	Total expenses allowed under IRS Stds.	\$5,436.79	\$4,874.79	See above adjustments
43	Education expenses for children	\$156.25	\$0.00	Must provide documentation of actual expenses.
44	Additional food & clothing expense	\$20.00	\$0.00	Must demonstrate amount claimed is reasonable and necessary.
46	Total additional expense deductions	\$484.58	\$308.33	See above adjustments
50	Ch. 13 admin expenses	\$37.20	\$38.16	6.2% x \$615.43 avg. Plan pmt.
51	Total deductions for debt payment	\$377.52	\$378.48	See above adjustments
52	Total of all deductions from income	\$6,298.89	\$5,561.60	See above adjustments
53	Total current monthly income	\$7,553.39	\$7,553.39	
58	Total adjustments to determine disposable income	\$6,663.30	\$5,926.01	
59	Monthly Disposable Income Under §1325(b)(2)	\$890.09	\$1,627.38	

CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of April, 2015, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Andrew Jackson Martin
Chapter 13 Debtor
3 Keith Ct.
Stafford, VA 22554

Janet E. Boyd
Attorney for Debtor
385 Garrisonville Rd
Ste. 203
Stafford, VA 22554

____/s/ Thomas P. Gorman_____
Thomas P. Gorman